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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,269	12/06/2001	Ariel Peled	01/22067	4431

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EXAMINER	
BROWN, CHRISTOPHER J	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,269	PELED ET AL.	
	Examiner	Art Unit	
	Christopher J. Brown	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *7/19/2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-124* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-124* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/25/02, 6/30/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 9 line 17 states "18" which appears to be a claim number.

Appropriate correction is required.

Drawings

2. The drawings have several handwritten numbers and crossed out labels. Appropriate formal drawings are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 69, 109, and 110 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant states preobtained, or prestored, descriptions or signatures, but does not state what the "pre" in preobtained refer to. The signature is obtained before what? While the applicant has the right to be its own lexicographer, there is also no word

"preobtained" or "prestored" in the English language. The examiner recommends inserting a first step at the beginning of each claim referring to storing a description or signature of content whose movements are desired to be monitored.

Claims 2-68, 70-108, and 111-124 are also rejected due to their being dependent on rejected independent claims.

Claim 13 states a "transport data monitor being operable to monitor". The examiner believes that this should read "transport data extractor being operable to monitor".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4. 11, 17, 35, 37, 56-65, 69, 70, 73, 86, 87, and 109-112 are rejected under 35 U.S.C. 102(e) as being anticipated by Kephart US 6,732,149.

As per claims 1-4, 11, 51, 56-65, 69, 70, 109, 110, 111, 112 Kephart teaches a signature extractor to extract a signature from monitored data, (Col 11 lines 45-48). Kephart teaches a database of preobtained signatures, (Col 9 lines 55-60). Kephart teaches a comparator for comparing the comparing the extracted signature with the signature from the database, (Col 11 lines 50-60). Kephart teaches the comparison searches for predetermined content, (Col 10 lines 39-55). Kephart teaches a decision making unit for producing an enforcement decision, (Col 16 lines 19-35). Kephart teaches prevention of transmitting certain content over a network to control distribution, (Col 10 lines 7-15).

As per claim 17, and 73 Kephart teaches the system is used to extract signatures from messages or emails (multimedia) , (Col 10 lines 5-10).

As per claims 35, and 37, 86, 87 Kephart teaches hashing, (Col 11 lines 50-55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Barton US 5,646,997.

As per claim 5, Kephart does not teach meta information.

Barton teaches deriving a signature from meta information, (Claim 14)

It would have been obvious to one of ordinary skill in the art to modify the system of Kephart with the meta-data of Barton so that the signature is secure and can't be modified, (Col 3 lines 48).

Claims 6-9, and 74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Vaidya US 6,279,113.

As per claims 6-9, and 74-76 Kephart teaches extracting a signature from data, (Col 11 lines 45-48). Kephart does not teach the multi-level security.

Vaidya teaches examining every layer to extract a signature, (Col 7 lines 15-24). It would be obvious to one of ordinary skill in the art to modify the system of Kephart with the multiple layers of Vaidya because it is advantageous to be able to detect a signature in any level, (Col 4 lines 28-33).

Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Vaidya US 6,279,113 in view of Barton US 5,646,997.

As per claims 10 Kephart teaches extracting a signature from data, (Col 11 lines 45-48). Kephart does not teach the multi-level security.

Vaidya teaches examining every layer to extract a signature, (Col 7 lines 15-24). It would be obvious to one of ordinary skill in the art to modify the system of Kephart with the multiple layers of Vaidya because it is advantageous to be able to detect a signature in any level, (Col 4 lines 28-33).

Barton teaches deriving a signature from meta information, (Claim 14)

It would have been obvious to one of ordinary skill in the art to modify the previous system of Kephart-Vaidya with the meta-data of Barton so that the signature is secure and can't be modified, (Col 3 lines 48).

Claims 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Kirby US 5,898,784.

As per claim 12, Kephart does not specifically teach a packet network.

Kirby teaches that the network is composed of passing packets, (Col 4 lines 3-7).

It would have been obvious to one of ordinary skill in the art to use the packet network of Kirby with the data monitoring of Kephart, so because the method of packet switching has high efficiency for digital data networking.

As per claims 13, and 14, Kephart does not specifically teach extracting a signature from the header of a packet.

Kirby teaches extracting a signature from the packet header, (Col 5 lines 13-20).

It would have been obvious to one of one of ordinary skill in the art to be able to monitor the headers of Kirby in the system of Kephart because it allows signature checking without decryption.

Claims 15-16, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Schlener US 6,182,157.

As per claims 15, 16, 71, and 72 Kephart does not teach software agents.

Kephart teaches software agents monitoring a number of nodes, (Col 4 lines 3-6, Fig 1).

It would have been obvious to one of ordinary skill in the art to use the software agents of Schlener with the system of Kephart because software agents are independent and autonomous.

Claims 18-23, 41, 42, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Vogel US 6,055,663.

As per claims 18-23, 41, 42, and 48 Kephart teaches taking signatures from multimedia data (Col 10 lines 5-10). Kephart does not teach analyzing and combining data into a single communication.

Vogel teaches analyzing and combining two packet signals into a single channel, (Col 2 lines 35-45). It would have been obvious to one of ordinary skill in the art to modify the system of Kephart with the communication method of Vogel because it provides advantageous error-protection, (Col 2 lines 18-23).

Claims 24-26, 77, 78, and 113-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Moskowitz US 2002/0071556.

As per claims 24-26, 77, 78, and 113-124 Kephart does not teach compression.

Moskowitz teaches a signature used in compressed data. Moskowitz teaches stegonography, [0020].

It would have been obvious to modify the system of Kephart with the compression of Moskowitz because it allows faster file transfer.

Claims 27-30, 67, 68, 79-82, 100, 101, 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Thomlinson US 6,389,535.

As per claims 27-30, 67, 68, 79-82, 100-102 Kephart does not teach entropy and encryption.

Thomlinson teaches use of entropy and encryption, (Claim 7, 8).

It would have been obvious to one of ordinary skill in the art to modify the system of Kephart with the encryption of Thomlinson because it enhances security.

Claims 31-34, 39, 40, 83, 84, 85, 89, 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Rhoads US 2002/0012443.

As per claims 31-34, 39, 40, 83, 84, 85, 89, and 90 Kephart teaches signature extraction, Kephart does not teach a media player with a format detector.

Rhoads teaches a media player with format detection, and audio and video data [0087] [0052], [0041].

It would have been obvious to one of ordinary skill in the art to modify the system of Kephart with the playback device of Rhoads, because Rhoads provides portability.

Claims 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Verhoorn III US 6,725,371.

As per claim 36, Kephart does not teach a buffer.

Verhoorn III teaches using a buffer associated with a signature extractor from packet data, (abstract). It would have been obvious to one of ordinary skill in the art to modify the system of Kephart with the buffer or Verhoorn III because the buffer allows multiple packets to be stored and processed.

Claims 38, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Robison US 5,043,885.

As per claim 38, and 88 Kephart does not teach a hash with offset.

Robinson teaches a hashing system with offset, (Col 6 lines 15-25).

It would have been obvious to one of ordinary skill in the art to modify the system of Kephart with the hashing of Robinson because it provides a way to index data.

Claims 43-47, 49, 50, 52-55, 66, 91-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of Hile US 5,319,776.

As per claims 43-47, 49, 50, Kephart teaches comparing signatures to get the best result.

Kephart does not teach multiple tests for signatures.

Hile teaches multiple tests for signatures, (Col 1 lines 55-60).

It would have been obvious to one of ordinary skill in the art to modify the system of Kephart with the multiple testing of Hile because it provides redundancy.

As per claims 52-55, 66, 91-99 Kephart teaches comparing signatures and checking probabilities of matching with other comparisons, (Col 11 line 64-Col 12 line 5).

Claims 103-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kephart US 6,732,149 in view of GUPTA WO 99/63727.

As per claims 103-108, Kephart does not teach firewalls or trust networks.

Gupta teaches a system of firewalls to protect a trusted network, (Abstract).

It would have been obvious to one of ordinary skill in the art to modify the system of Kephart with the firewall of Gupta because firewalls enhance the security of the network.

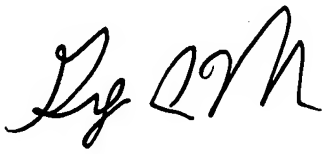
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

10/29/05



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